

MINUTES

275th Meeting Contractors' Registration and Licensing Board November 14, 2012

(A) The meeting was called to order by the Chairman, Felix Carlone, at 12:39 PM.

(B) Approval of the agenda and order of business was accepted on a motion by Mr. Art Salisbury and seconded by Mr. William Geddes.

(C) The minutes of the 274th meeting were approved with modification that Chuck Phelps represented the Building Officials not Dave Rodio as reflected on a motion by Mr. Art Salisbury and seconded by Mr. Eric Wishart.

**(D) Court Case Update: November 2012 - Court Ordered
Restitution/Fines:**

A review of the cases was continued, by Ariele Yaffee; however she informed the Board of progress on some pending appeals.

(E) Review of Pending Issues with the Building Officials Association:

1.) The Building Officials were represented by Stan Pikul and Chuck Phelps at this meeting who expressed concerns again in regard to the

security measures on our web-site and time expended by Building Officials to check on contractor credentials. The Executive Director informed the Board that this matter is still being reviewed by IT and that it has been brought to their attention for corrective action. Concerns were expressed to the Board members regarding contractors' being able to file claims against homeowners and the education requirements, when they will be effective. The Executive Director informed officials that education requirements are getting closer, but it looks like maybe by July of 2013 before they will be heard at a public hearing and become effective shortly after that; as to claims being filed by contractors, the lien law is the contractor's option. Additionally, the Board heard comments from Andy from the Roof Doctor who expressed concerns of homeowners hiring non-registered contractors to get the best price and how the state of FL fines homeowners \$5,000 for such activity. He also requested that information be provided to contractors who register regarding building officials' offices and hours of operation so permits could be obtained and building officials contacted. The Board will take his suggestions under consideration.

(F) Consideration of Cases on Appeal and Oral Argument:

1.) 12:40 PM, Claim #7716, Wilson vs. Kapuscinski, Respondents Registration #12593, Ronald Kapuscinski, Four Seasons, exceptions filed by the Respondent. Both parties were in attendance; both represented by legal counsel. This matter had been continued

several times to allow Mr. Kapuscinski to get legal counsel. One of the Board members, Tom Furey recused himself from hearing this matter and left the room. The Respondents counsel Lewis Paras presented his exceptions and how he felt that the fines assessed were too substantial. Attorney Thomas Heald represented the homeowner and presented to the Board reasons for the actions taken by the hearing officer. After much discussion and many questions by the Board members a motion was made by Robert Cardoza and seconded by William Nash to amend the proposed order by removing the violation for using the license number rather than registration number and reducing fines to \$15,000.00. The motion was called by the chair but failed to pass with a vote of 7 to 3, with Robert Cardoza, William Nash and Martin Ezeama voting for the measure. A new motion was entertained by the Chair and seconded by Dave Caldwell to reduce the fine on using license number rather than registration number to \$500.00 and keep the other fines as assessed by the hearing officer. Motion was called and this matter passed 7 to 3 with Robert Cardoza, William Nash, and J.L. Brillion voting in the negative.

2.) 1:00 PM, Claim #7846, Elliott vs. Ead, Rick's Appliance Rep, exceptions filed by Respondent. Both parties were in attendance and the RESPONDENT presented his case. The homeowner also presented concerns to the Board. Robert Cardoza filed a recusal form and left the room. After much discussion and several questions being answered the Board on a motion by William Nash and second

by J.L. Brillion elected to send this back for a new hearing due to the notice issue. The motion was called by the chair and passed unanimously.

3.) 1:20 PM, Claim #7033, Farrell vs. Thomas, Request by Respondent to act on the REVOKED Registration #2308. The Board reviewed the request but neither party ever showed, so this matter was denied, on a motion by Tom Furey and second by Paul Brunetti. The record indicated that the payment plan established was not being followed as drafted and several payments had not been made in accordance with the agreement. Neither attorney for the parties attended.

4.) 1:30 PM, Request by contractor to reinstate a REVOKED Registration #29817, Alexander Perry. Matter was heard by the Board and discussed in length as to possible conditional reinstatement of registration. Concerns were expressed that he would need to show the Board what measures were taken as to why he should be allowed to get back into business. A motion was made by Tom Furey and second by J.L. Brillion to Deny the contractors request at this time but to possibly review it in three to four months if he can show the Board why he should be allowed to work just as a painter. Motion carried with Robert Cardoza voting in the negative.

5.) 1:40 PM, Request by contractor to reinstate a REVOKED Registration #20216, Todd Harris, T H Builders Inc. Arthur Salisbury, recused himself from hearing this matter and left the room. The

contractor presented his case and explained to the Board that he has learned from his mistakes and has paid all the outstanding fines and monetary amount, so ordered by the Board. He requested that he get his registration back even if it was conditional. Upon much discussion and investigator Lanni presenting his concerns; a motion was made by Tom Furey and seconded by Paul Brunetti to conditionally reinstate the contractors registration for a probationary period of one year with copy of all contracts to be provided to Richard Case, the Boards investigator, and labor and materials not to exceed \$7,500.00 for all contracts entered which must be reviewed by the Boards investigator. After further discussion the motion was called by the chair and passed unanimously.

EXPUNGEMENTS:

1.) 1:45 PM, Request by Daniel Woodford, Two Brothers Home Services, to expunge Claim #7809 from his record. Matter heard by the Board, reviewed, and motion made by Felix Carlone, seconded by Tom Furey to expunge. Motion carried unanimously.

2.) 1:50 PM, Request by Nelson Girard, Registration #8963, N & D Builders for expungement of claims: #4975 and #6727. Both claims were reviewed and discussed and both motions to expunge were made by Felix Carlone and seconded by William Nash and unanimously passed.

3.) 1:55 PM, Request by Ruben Erausquin, Registration 22234 to expunge violation #4638 #1 & #2, insurance cancellation. Motion by Tom Furey and seconded by J.L. Brillion to remove violation #1 insurance but keep #2. Motion passed unanimously.

4.) 2:00 PM, Request by Bathrooms by Design, Inc., Registration # 32132, Inna Ferretti to expunge claim #7590. Contractor presented case and showed proof that he had paid the amount so ordered by the Board to the homeowner. A motion was made by Paul Brunette and seconded by Eric Wishart to expunge record. Motion passed unanimously.

5.) 2:05 PM, Request by Matthew Colantonio, Registration #23094, Four Zero One Painting and Construction LLC, to expunge violation #6822 #1, advertising violation. A motion was made by J. L. Brillion and second by Eric Wishart to Deny request, in that contractor failed to show. Motion passed unanimously.

6.) 2:10 PM, Request by George Peloso III, Registration #6831, Peloso's Flooring and Restoration, to expunge insurance violation #3208 #1 & 2. A motion was made by J. L. Brillion and second by Eric Wishart to Deny request, in that contractor failed to show. Motion passed unanimously.

(G) Report of the Executive Director and Staff:

(1) Statistics Report: 11/14//2012

Registrations:

Number of Registered Contractors	11281		
Number of Cards Surrendered	6007	Number of Cards	
Expired/Lapsed	16832	Number of Cards Invalidated	1182
Number of Cards Suspended	505		
Number of Cards Revoked	107		

Registration Actions

10/10/2012-11/14/2012

Number of New Registered Contractors	109		
Number of Renewed Contractors	11172		
Number of Cards Surrendered	40		
Registrations Invalidated	45	Registrations Suspended	6
Registrations Revoked	1		

Claims:

Administrative Appeals	8		
Board Appeals	5		
Address Traces			86
Awaiting Further Action	31		

Court

Disposed		6452
Final Orders	52	
Hearings	41	
Out of State Services	14	Proposed Orders 109
Under Investigation		102

Total Claims Filed with the Board	7511
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Number of New Claims Processed	19
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10/10/2012-11/14/2012

Violations:

Action Against Registration	33
Advertising	3
Non-Registered Subcontractors	22
Cancelled Insurance	1208
Notice of Hearing	4
Non-Registered Contractor	853
TOTAL RECORDS	2123

Number of New Violations 97

10/10/2011-11/14/2012

Lapsed Registrations/Never Re-Newed:

November	2011
70	
December	2011
79	
January	2012
63	
February	2012
60	
March	2012
101	
April	2012
143	
May	2012
133	
June	2012
135	
July	2012
129	
August	2012
119	
September	2012
139	

October
118
2012

Month	# Tickets Issued
Fines	
January	0
\$00.00	
February	1
\$50.00	
March	2
\$200.00	
April	0
\$000.00	
May	0
\$00.00	
June	3
\$550.00	
July	1
\$250	
August	11
\$2,750.00	
September	11
\$4,100.00	
October	9
\$2,450.00	

Commercial Roofers:

Number of New Registered Contractors	1
Number of Renewed Roofer Contractors	138
Number of Cards Surrendered	20
Number of Expired/Lapsed	61
Registrations Invalidated	1
Registrations Suspended	0
Registrations Revoked	0

(H) Old Business:

(1.) Review of regulations, laws and standards, established by sub-committee,

report of committees and progress. No meetings have been held on this matter but have made some progress. New attorney will be working with executive director to get the regulations formulated for committee review and then public hearing on matter.

(I) New Business:

(1.) Budget: New RFP to purchase two new card machines is being worked on

to ready for the new CAVU software early next year.

(2.) Computer Software Program Update on Progress (DBR), CAVU; Board

has been proceeding and making progress. Projected date because of data

transfers will be later than expected in that we are phase III. Will not be

ready until early next year. Phase I with the Department of Business

Regulation went live and now on Phase II.

(3) The Board was advised that the position of Sr. State Building Official is

pending approval.

(4.) Legislation; Home Inspector legislation may be re-submitted for next

years session.

(5.) Request for Proposal: The Board will have to develop a new RFP to seek

testing companies to provide the RICRLB with an avenue to test Home

Inspectors, Commercial Roofers and Well Drillers. Well Drillers will be

under the Boards jurisdiction as of January 1, 2013.

(J) Public Comment: None

(K) Announcements: The next Board meeting is scheduled for Wednesday

December 12, 2012 at 12:30 PM Conference

Room “A”, 2nd

**Floor, One Capitol Hill, Providence, Rhode
Island.**

**(L) Adjournment: A motion was made by Mr. Eric Wishhart and
seconded by Mr.**

J. L. Brillion, to adjourn at 3:25 PM.

**Members Present: William Nash, David Caldwell, Martin Ezeama,
Felix Carlone,
William Geddes, Robert Cardoza, J.L. Brillion,
Arthur Salisbury
Eric Wishart, Tom Furey, and Paul Brunetti.**

**Members Absent: Eric Anderson, who resigned from the Board,
Steve Carlino, Ronald
Caniglia, and Edgar Ladouceur.**

**Others Present: George Whalen (Executive Director), Ariele Yaffee
(Attorney
Generals Office, legal counsel), stenographer,
parties for appeal and
expungements and staff.**

Respectfully Submitted,

George W. Whalen

Executive Director

Rhode Island Contractors' Registration and Licensing Board